



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
POST OFFICE BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
Jacksonville Office

JUN 18 2009

PUBLIC NOTICE

Permit Application No. SAJ-2009-2006(IP-JKM)

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: RaceTrac Petroleum, Inc.
3225 Cumberland Boulevard, Suite 100
Atlanta, GA 30339

WATERWAY & LOCATION: The project is located at the northwest quadrant of US 17 and State Road 16, in Section 38, Township 6 South, Range 26 East, Green Cove Springs, Clay County, Florida.

Directions to the site are as follows: From Jacksonville, take US 17 south through Orange Park to Green Cove Springs. Project site is the northwest quadrant at US 17 and State Road 16.

LATITUDE & LONGITUDE: Latitude 20.9834 North
Longitude 18.6766 West

PROJECT PURPOSE:

Basic: Vehicular fuel facility

Overall: Vehicular fuel facility for large commercial and private vehicular fueling on the west side of U.S. 17 for south-bound traffic, instead of having to cross to the east side of U.S. 17 which creates a safety concern.

PROPOSED WORK: The applicant proposes to impact 2.18 acres of waters of the U.S. (wetlands) to construct a vehicular fueling facility.

Avoidance and Minimization Information: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The location of the project site was chosen due to the proximity to U.S. 17 (south bound). The project has been minimized by limiting the landscaping area and proposed retaining wall along the back of the development instead of sloping the property, which will reduce impacts by 0.10 acre.

Compensatory Mitigation: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The proposed mitigation is to purchase 2 credits from the Sundew Mitigation Bank.

EXISTING CONDITIONS: The wetland system consists of a freshwater system. The onsite vegetation consists of water hickory (*Carya aquatica*), red maple (*Acer rubrum*), sweet gum (*Liquidambar styraciflua*), black gum (*Nyssa sylvatica*), loblolly bay (*Gordonia lasianthus*), sweet bay (*Magnolia virginiana*), swamp bay (*Persia palustris*) and water oak (*Quercus nigra*) with scattered pond cypress (*Taxodium ascendens*) in the deeper area and slash pine (*Pinus elliottii*) along the edge. The shrub layer is dominated by immature canopy species and fetterbush (*Lyonia lucida*), highbush blueberry (*Vaccinium corymbosum*) and saw palmetto (*Serenoa repens*). The existing area surrounding the project area consists of U.S. 17, commercial development and wetlands adjacent to the St. Johns River.

ENDANGERED SPECIES: The U.S. Army Corps of Engineers has determined the proposal would have no effect on any listed threatened or endangered species or designated critical habitat.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the St. Johns River. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been

verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within 21 days from the date of this notice.

If you have any questions concerning this application, you may contact Mrs. Johnnet Mask at the letterhead address, by electronic mail at johnnet.k.mask@usace.army.mil, by fax at 904-232-1904, or by telephone at 904-232-3358.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.


IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with US Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the EPA Administrator, under authority of Section 404(b) of the Clean Water Act, and by the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Regulatory Section of the US Army Corps of Engineers (Corps) Antilles Office is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act, and in the development of a Statement of Findings. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

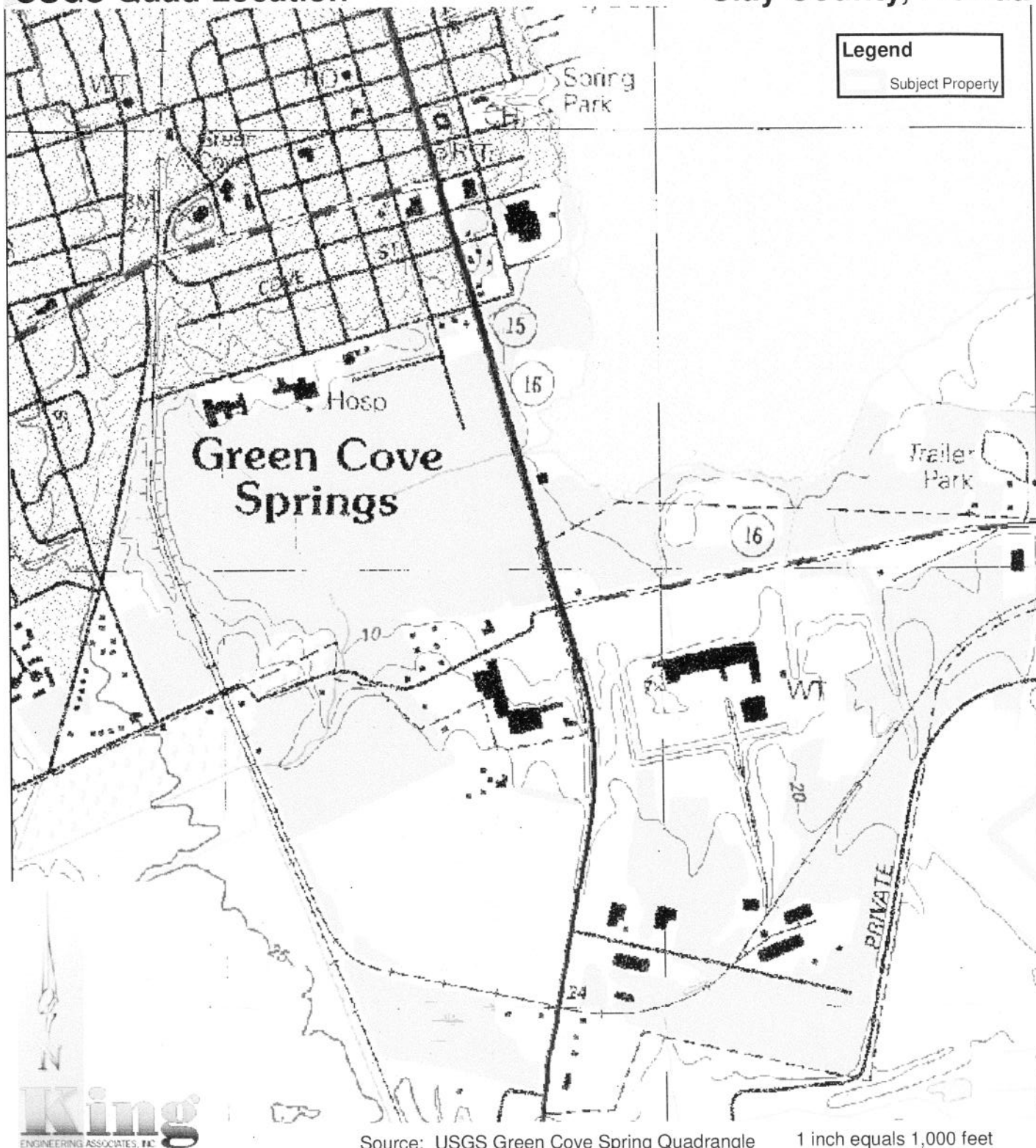
REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.


David S. Hobbie
Regulatory Division

RaceTrac Site #894

USGS Quad Location

Clay County, Florida



King
ENGINEERING ASSOCIATES, INC.

6500 Bowden Rd., Suite 290
Jacksonville, Florida 32216
(904) 636-6755
www.kingengineering.com

GRAPHIC REPRESENTATIONS ARE GENERAL IN NATURE

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APPLICATION NO. SAJ-2009-2006(IP-JKM)
DATE 18 June 2009
DRAWINGS SHEET 1 OF 4

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2008 Aerial Photograph

Clay County, Florida



Legend

Subject Property



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Jacksonville, Florida 32216
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Source: Aerials Express

1 inch equals 200 feet

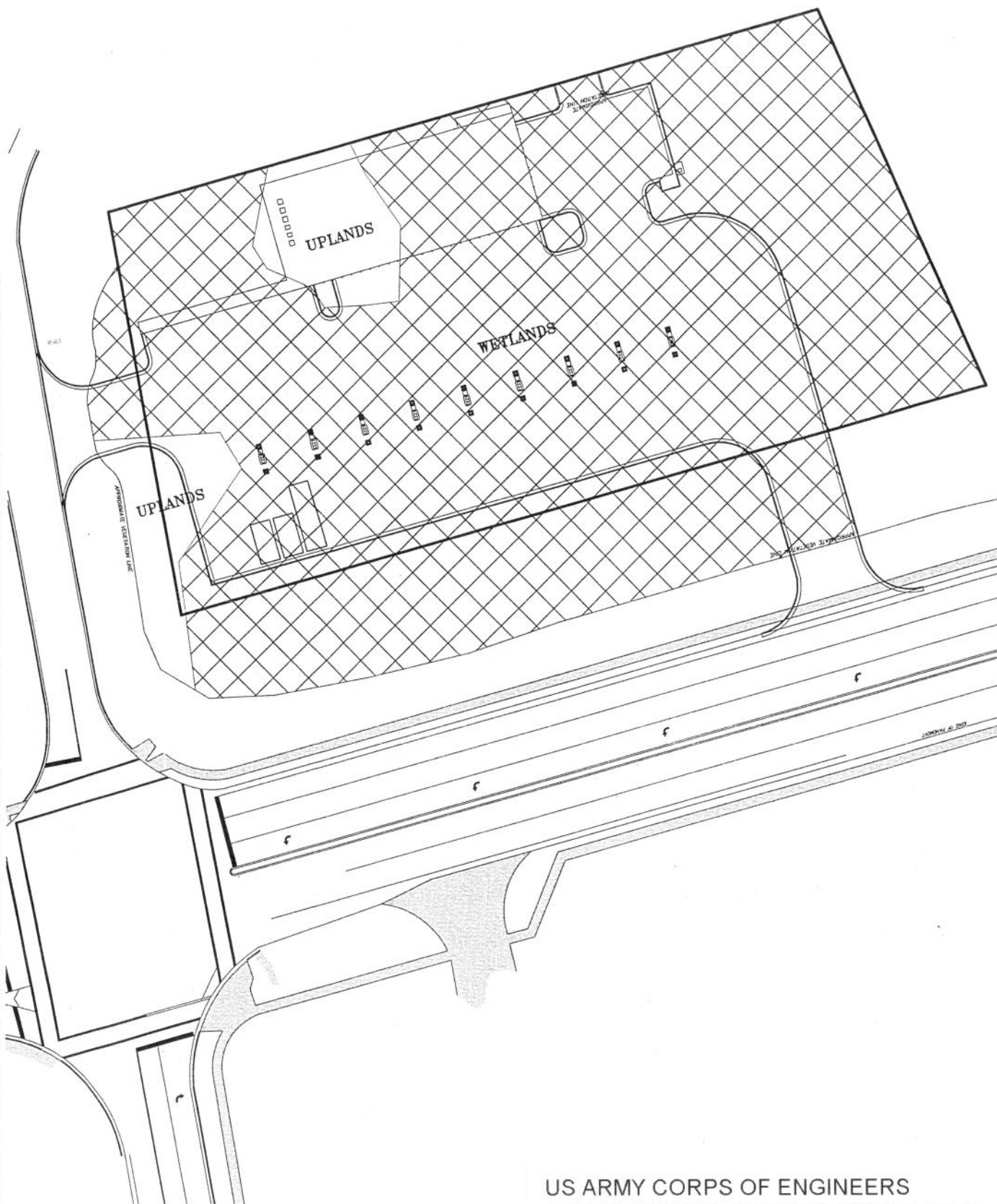
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DRAWINGS SHEET 2 OF 4

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U.S. 17 AND COOKS LANE
GREEN COVE SPRINGS, FL

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